

REMARKS

The final Office Action dated 5 May 2004 and the Interview Summary dated 10 June 2004 have been received and their contents carefully studied. Reconsideration of the rejections of the claims is respectfully requested in view of the following remarks.

Claims 1-21 are pending. All of the claims stand rejected. The independent claims are claims 1 and 13.

Independent claims 1 and 13 were rejected in the non-final Office Action of 10 November 2003 as being anticipated under 35 U.S.C. 102(e) by *Yasue*, and were also rejected as anticipated by *Takahashi et al.* (EP 0687112A2).

Then, claims 1 and 13 were amended on 10 March 2004 in response to the non-final Office Action. At that time, Applicant had filed a certified copy of the Finnish priority document, and the Finnish application was in English. Applicant respectfully requests that the Examiner please check to confirm that the certified copy of the priority document was in English. The non-final Office Action dated 5 May 2004 did acknowledge receipt of the certified copy of the priority document.

The final Office Action of 5 May 2004 rejected all claims as obvious under 35 U.S.C. 103(a) from *Yasue* in view of *Yamakage* (US Patent 5,872,597). The final Office Action also rejected all claims as obvious under 35 U.S.C. 103(a) from *Takahashi* in view of *Yamakage* (US Patent 5,872,597).

Applicant respectfully submits that the Finnish priority document, application No. 19991721 filed 13 August 1999, overcomes *Yasue et al.* (EP 0944261A2) which was published 22 September 1999. Pursuant to MPEP § 201.15, the certified copy of the Finnish application (which was in the English language) should overcome *Yasue*. *Yasue* was published on 22 September 1999, which was later than the 13 August 1999 priority date of the present application. For the Examiner's convenience, Applicant herewith attaches a copy of the Finnish priority document.

The final Office Action acknowledges (page five, first sentence) that *Yamakage* fails to disclose any details about a bitstream analyzer. However, according to the final Office Action, *Yamakage* teaches the concept of a bitstream analyzer at feature 30. Applicant respectfully submits that when the feature 30 of *Yamakage* is compared to the bitstream analyzer of the present invention, there are many differences, and these things are therefore not comparable. The characteristics of the bitstream analyzer of the present invention are described in the description of Fig. 5 beginning at page 9, line 4 of the enclosed Finnish priority document (emphasis added):

“A bit stream analyzer block 502 is coupled to the input 501. It has four data outputs which are known as the ‘untouched’ output, ‘DCT coefficients’ output, ‘quantization matrices’ output and the ‘virtual buffer verifier’ output. Additionally, the bit stream analyzer block 502 has a control output. . . . The bit stream analyzer block 502 performs a demultiplexing function where the VBV values and other virtual buffer related information are directed to the VBV value modifier block 510, the weighting (quantization) matrices are directed to the element-wise matrix multiplier block 509, the DCT coefficient matrices are directed to the variable length decoder 505 and the rest of the bitstream is directed through the ‘untouched’ output to the corresponding input of the multiplexer block 503.”

Yamakage discloses neither an "untouched" output nor a "virtual buffer verifier" output. Therefore, it will not be possible for the feature 30 of *Yamakage* to perform the functions described in the present claims, and the feature 30 of *Yamakage* is fundamentally different from the bit stream analyzer of the present claimed invention.

Applicant notes that the *Yamakage* reference had previously been cited in the non-final Office Action against only the dependent claims, but is now cited in the final Office Action against the independent claims also. *Yamakage* was provided by Applicant in an Information Disclosure Statement (IDS) filed August 28, 2000 after Applicant received a Finnish Search Report indicating that *Yamakage* was an A-reference (i.e. technological background only).

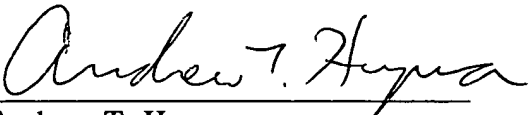
CONCLUSION

Applicants respectfully submit that the claims of the present application define patentable subject matter and are patentably distinguishable over the cited references for the reasons explained. The rejections of the Official Action of 5 May 2004 having been shown to be inapplicable, retraction thereof is requested, and early passage of all the pending claims to issue is earnestly solicited.

Applicant would appreciate if the Examiner would please contact Applicant's attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,

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